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09/544,808	04/07/2000	Muhammed Ibrahim Sezan	KRL:7146.066	1597
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KEVIN L. RUSSELL CHERNOFF, VILHAUER, MCCLUNG & STENZEL LLP 1600 ODS TOWER 601 SW SECOND AVENUE PORTLAND, OR 97204			EXAMINER CHOWDHURY, SUMAIYA A	
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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/544,808  
Filing Date: April 07, 2000  
Appellant(s): SEZAN ET AL.

**MAILED**

**NOV 29 2007**

**Technology Center 2600**

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Kurt Rohlf  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 2/14/07 appealing from the Office action mailed.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

5696965	DEDRICK	12-1997
6253203	O'FLAHERTY	6-2001

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-5 and 95 rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,696,965 to Dedrick in view of U.S. Patent No. 6,253,203 to O'Flaherty et al. (O'Flaherty).

Regarding claim 1, Dedrick discloses a method of using a system [ 12] with at least one of audio, image, and a video comprising a plurality of frames (e.g., a television set; col. 2, lines 48-51) comprising the steps of: (a) providing a usage preferences description, describing preferences of a user with respect to the use of said at least one audio, image, and video (col. 5, lines 14-29, 41-50), where said description includes multiple preferences (e.g., color, consumption format; col. 5, lines 14-29); and (b) providing a protection attribute with respect to a selected set of said preferences indicating whether the preferences in said selected set are considered public or private (allows selected criteria in a user profile to be omitted from a compilation process, thus preventing the selected criteria from being divulged to, e.g., advertisers; see col. 7, lines 3-35).

Dedrick fails to disclose said protection attribute comprises a binary number having a number of bits equal to the number of said preferences in said selected set and where each bit of said binary number indicates whether a particular preference in said selected set is to be public or private.

However, in an analogous art, O'Flaherty discloses system [ 100] comprising a database[ 106] storing personal information related to a user of a client device [124] (col. 3, line 63 – col. 4, line 53, fig. 1). The database includes a protection attribute ("opt-out" flag) that enables the user to designate a selected set of information contained in the profile as public or private (col. 7, lines 1-27). In one embodiment, the protection attribute comprises a binary number having a number of bits equal to the number of said preferences in said selected set (col. 9, line 66 - col. 10, line 16, col. 7, lines 1-36) and where each bit (i.e., opt,out flag) of said binary number indicates whether a particular preference in said selected set is to be public or private (col. 8, lines 2-4). This embodiment enables the user to maintain privacy with respect to selected personal information, while divulging other personal information for direct marketing purposes (col. 10, lines 13-16).

Therefore, it would it have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dedrick to include a protection attribute comprising a binary number having a number of bits equal to the number of said preferences in said selected set and where each bit of said binary number indicates whether a particular preference in said selected set is to be public or private, as taught by O'Flaherty, for the benefit of providing the user with more control over the disclosure of his or her personal information to advertisers.

As to claim 2, Dedrick in view of O'Flaherty teaches the method of claim 1 wherein said at least one of said audio, image, and video is video (Dedrick, col. 4, lines 35-45).

As to claim 3, Dedrick in view of O'Flaherty teaches the method of claim 2 further comprising the step of limiting access to preferences associated with said protection attribute based upon said protection attribute (O'Flaherty, col. 8, lines 2-12).

As to claim 4, Dedrick in view of O'Flaherty teaches the method of claim 3 wherein said access is limited to a remotely located service provider of said video (Dedrick, col. 5, lines 51-55).

As to claim 5, Dedrick in view of O'Flaherty teaches the method of claim 1 wherein said protection attribute is a binary value (O'Flaherty, col. 7, lines 15-18).

As to claim 95, Dedrick in view of O'Flaherty teaches the method of claim 1 wherein said selected list includes all of said preferences (O'Flaherty, col. 10, lines 7-16).

## **(10) Response to Argument**

### **Introduction:**

With respect to Appellant's arguments that the Examiner did not meet the claimed limitation of "providing a protection attribute with respect to a selected set of said preferences in said selected set are considered public or private said protection attribute comprising a binary number having a number of bits equal to the number of preferences in said selected set and where each bit of said binary number indicates whether a particular preference in said selected set is to be public or private", the Examiner respectfully disagrees. It appears that Appellant has misunderstood the Examiner's position. For the benefit of the Panel, the Examiner shall first explain the rejection of record and then subsequently address Appellant's arguments in light of the combined teachings.

Dedrick discloses providing a protection attribute with respect to a selected set of said preferences indicating whether the preferences in said selected set are considered public or private. In other words, Dedrick teaches allowing the selected criteria in a user profile to be omitted from a compilation process, thus preventing the selected criteria from being divulged to, e.g., advertisers; see col. 7, lines 3-35.

O'Flaherty was relied upon to teach a one-bit-per-preference protection attribute. Referring to Fig. 2A, the customer table lists customers and indicates for each preference whether or not to set the particular information to public or private for each respective customer. The preferences are indicated in column 210, 222, 224, 226, 228, 230. Column 210 is the global data control column, which indicates that the customer wants maximum privacy. Column 222 indicates direct marketing, column 224 indicates disclosure of personal data along with information identifying the consumer, column 226

indicates anonymous disclosure of personal data, column 228 indicates disclosure of personal data for purposes of making automated decisions, and column 230 indicates disclosure or use of sensitive data – col. 7, lines 1-27.

**Rejection of Claims in view of Combined References:**

Regarding claim 1, Appellant argues “O’Flaherty fails to disclose a one-bit-per-preference protection attribute.”

Referring to Fig. 2A, the customer table lists customers and indicates for each preference whether or not to set the particular information to public or private for each respective customer. The preferences are indicated in column 210, 222, 224, 226, 228, 230. Column 210 is the global data control column, which indicates that the customer wants maximum privacy. Column 222 indicates direct marketing, column 224 indicates disclosure of personal data along with information identifying the consumer, column 226 indicates anonymous disclosure of personal data, column 228 indicates disclosure of personal data for purposes of making automated decisions, and column 230 indicates disclosure or use of sensitive data – col. 7, lines 1-27.

In the exemplary embodiment illustrated, Bill K. Jones selected to have some data disseminated by selected a “0” in the global data control column. By selecting “1” in the subsequent columns, he has further indicated that his consumer information can be disclosed to third parties, both with his identity, and anonymously. He has allowed



the data to be used to perform automated processing, and will permit the dissemination of sensitive data – col. 7, lines 28-36.

Appellant argues "...modifying Dedrick's encryption key to comprise a binary value having a number of bits equal to the number of preferences, each bit representing whether that preference is public or private, would not only be infeasible, but would thwart the very purpose of Dedrick's encryption key by making it a trivial exercise to crack the key".

Appellant's argument is baseless. Making it a trivial exercise to crack the key does not preclude someone from creating it.

Appellant argues "Thus, while Dedrick's system has the capability of precluding user-selected preferences from inclusion in the database, this capability would naturally obviate any need for a 'protection attribute...'".

Just because a user can omit certain preferences/attribute, does not obviate any need for a protection attribute comprising a binary number. The user selects to only have certain preferences/attributes from transmission to the server. However, the user selects to have certain preferences/attributes sent. Therefore, the protection attribute comprising a binary number would apply to the transmitted preferences/attributes.

#### **(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

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Art Unit: 2623

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Respectfully submitted,




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